

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)	
Defendant,)	
_____)	

STATUS REPORT
September 14, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Completed.

2. Pre-Plea, Pre-Sentence Report

Judge Saylor has partially allowed Mr. Rodriguez's Motion For A Pre-Plea, Pre-Sentence Report. However, because of an irretrievable breakdown in the attorney-client relationship, I have allowed Mr. Rodriguez's former counsel's Motion To Withdraw and have appointed successor counsel.

4. Appointment of Successor Counsel

I have continued this case with Mr. Rodriguez's knowledge until the end of this month in order to allow successor counsel to review discovery produced by the Government in this case and a

partial pre-plea, pre-sentence report.

5. Further Status Conference

A further status conference shall be held in this case on September 29, 2005, at 2:30 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

6. Excludable Time

At the request of the Government, I am excluding from the Speedy Trial Act, the period from August 29, 2005 (date of expiration of prior order of excludable time) through September 29, 2005 (date by which successor counsel will have reviewed discovery produced by the Government in this case). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, December 8, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE